

**RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED
BUFFALO RUN MESA METROPOLITAN DISTRICT SERVICE PLAN AND
THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
COMMERCE CITY AND THE BUFFALO RUN MESA METROPOLITAN
DISTRICT**

NO. 2017-71

WHEREAS, pursuant to Resolution 2002-11, the City Council of the City of Commerce City approved the Buffalo Run Mesa Metropolitan District Service Plan (“Service Plan”); and

WHEREAS, Buffalo Run Mesa Metropolitan District (“District”) wishes to modify the terms of the Service Plan; and

WHEREAS, Section 32-1-101, et seq, of the Colorado Revised Statutes (“Special Districts Act”) provides mechanisms for the organization, creation, and modification of special districts and service plans; and

WHEREAS, C.R.S. § 32-1-207(2)(a) provides that the approval criteria for modifications to existing service plans are essentially the same as the approval criteria for original service plans; and

WHEREAS, the District has submitted the proposed Amended and Restated Buffalo Run Mesa Metropolitan District Service Plan attached hereto as Attachment A (Including Exhibits A, B, C, and D) and incorporated herein by reference (“Amended and Restated Service Plan”), to the City Council of the City of Commerce City pursuant to the Special Districts Act; and

WHEREAS, the territory of the District is located wholly within the boundaries of Commerce City; and

WHEREAS, the City Council of Commerce City has conducted a public hearing on the proposed Amended and Restated Buffalo Run Mesa Metropolitan District Service Plan; and

WHEREAS, the City Council of Commerce City has also reviewed the proposed Intergovernmental Agreement between the City of Commerce City and the District (“Intergovernmental Agreement”), attached hereto as Attachment B and incorporated herein by reference, and has determined that such agreement is in the best interests of the City and the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. Upon consideration and review of the Amended and Restated Service Plan, the City Council of the City of Commerce City, Colorado does find, determine and declare as follows:

- (a) The Amended and Restated Service Plan complies with the requirements set forth in Section 32-1-202(2) C.R.S.
 - (b) There is sufficient existing and projected need for organized service in the area to be serviced by the District.
 - (c) The existing service in the area to be served by the District is inadequate for present and projected needs.
 - (d) The District is capable of providing economical and sufficient service to the area within its proposed boundaries.
 - (e) The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- 2. The Amended and Restated Service Plan is hereby approved.
 - 3. The Intergovernmental Agreement, substantially in the form attached hereto, is hereby approved and the Mayor and City Clerk are authorized and directed to sign and attest the Intergovernmental Agreement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 18TH DAY OF SEPTEMBER, 2017.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk